

CAVITCH
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July 23, 2024

STEVE TRICKLE
P.O. Box 402
Thornville, OH 43076

RE: Notice of Lawsuit & Request to Waive Service of Summons

Dear Sir or Madam:

A lawsuit has been filed against you, or the entity you represent, in the **United States District Court Southern District of Ohio Eastern Division** under the case information listed below. A copy of the complaint is attached; a full version, including all exhibits, can be found on the court's website:

- **Scottsdale Surplus Lines Insurance Company v. Everest National Insurance Company**
- **Case No: 2:24-cv-03477**

It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days from the date of this letter. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope for returning one copy. You may keep the other copy for your records.

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you. If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you.

Should you have any questions or concerns please do not hesitate to contact me.

Respectfully,



Gregory E. O'Brien

GEO/cpn
Enclosures

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio



Scottsdale Surplus Lines Insurance Company

Plaintiff

v.

Everest National Insurance Company

Defendant

Civil Action No. 2:24-cv-03477

WAIVER OF THE SERVICE OF SUMMONS

To: Gregory E. O'Brien

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

STEVE TRICKLE

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

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UNITED STATES DISTRICT COURT

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Defendant

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Date: _____

Signature of the attorney or unrepresented party

STEVE TRICKLE

*Printed name of party waiving service of summons**Printed name**Address**E-mail address**Telephone number*

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